

Danner, Ward

From: Dadap, Nathan C.
Sent: Friday, November 01, 2013 6:05 PM
To: Paul Parmentier
Cc: neil irish; rita brenner; ragland ken
Subject: RE: Clarification regarding disposal of PCB Waste

Paul,

Thanks for the opportunity to provide some clarification here. To summarize the questions:

1. Are soils with PCBs < 50 ppm regulated under TSCA in 40 CFR 761?

Yes. While there may be limited circumstances where TSCA would not apply, the soil remediation considered at the former Southwest Marine site for soils contaminated with PCBs at concentrations below 50 ppm *is* regulated under TSCA. Those soils are regulated for disposal as bulk PCB remediation waste in accordance with the requirements in 40 CFR 761.61(a)(5)(i)(B)(2)(ii). We believe the facility history and results of soil sampling and laboratory analysis support application of the PCB cleanup and disposal requirements in 40 CFR 761.61.

2. Are soils with PCBs < 50 ppm considered remediation waste under 40 CFR 761.61(a)?

EPA will be issuing a risk-based PCB cleanup application approval under 40 CFR 761.61(c) for the former Southwest Marine site. The PCB cleanup level already established for soils at this site is 0.55 ppm. Therefore, EPA will be requiring that disposal of all bulk PCB remediation waste at any concentration above that cleanup level be in accordance with the requirements in 40 CFR 761.61(a)(5).

In reference to the landfill's profile sheet, remediation of PCBs following the risk-based cleanup option in 40 CFR 761.61(c) is not listed as a cleanup option. However, disposal of PCB remediation waste (including bulk PCB remediation waste) under the risk-based cleanup option would be in accordance with 40 CFR 761.61(a)(5) requirements, unless otherwise noted in EPA's approval of the risk-based cleanup application.

You may wish to clarify the above points with the landfill(s).

Thanks,
Nathan

Nathan Dadap
U.S. EPA Region 9
RCRA Facilities Management
75 Hawthorne Street
San Francisco, CA 94105

Phone: (415) 972-3654
Fax: (415) 972-3530

From: Paul Parmentier [mailto:pparmentier@thesourcegroup.net]
Sent: Thursday, October 31, 2013 12:02 PM

To: Dadap, Nathan C.
Cc: neil irish; rita brenner; ragland ken
Subject: Clarification regarding disposal of PCB Waste

Nathan-as we discussed, the Port still needs confirmation that the non-RCRA, Ca-haz soil or non-haz with some PCBs under 50 ppm can be sent without a TSCA waste label before they can approve the hauling/disposal companies bids. Our interpretation is that all soil <50 ppm PCBs would not be regulated under TSCA 40 CFR 761.

I have attached an example of the two profile sheets that the Port would have to fill out to classify the waste, and the Port would choose the non-TSCA category for all the soil under 50 ppm PCBs. The haulers and disposers will of course have to follow the state requirements for PCB wastes, and we will confirm that with DTSC, but in the meantime we need to have your confirmation that the profiles for soil under 50 ppm PCBs can be checked off by the Port as non-TSCA. We also assume that example profile question 9 b would be that the <50 ppm soil is not a 40CFR 761.61 (a) waste?

Can you confirm that you agree with this waste classification?

Paul Parmentier, CHG

562 / 597.1055 ext. 106

Principal Hydrogeologist

The Source Group, Inc.

Environmental Engineering, Hydrogeologic & Management

1962 Freeman Ave

Signal Hill, CA 90755

Cell: 714.519.1218

www.thesourcegroup.net

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